

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

In Re:

Data Security Cases against NELNET
SERVICING, LLC,

Defendant.

ORDER

4:22CV3267

Plaintiffs have filed a “Motion to Consolidate Pursuant to Fed. R. Civ. P. 42(a), Appoint Interim Co-Lead Class Counsel Pursuant to Fed. R. Civ. P. 23(g)(3), and to File a Consolidated Complaint and Set a Briefing Schedule” in 4:22-cv-3191 Spearman et al v. Nelnet Servicing LLC ([Filing No. 34](#)).¹ Copies of the motion and brief are attached to this order and the deadlines herein have been set in each of the related cases against Nelnet Servicing, LLC as all parties have a potential interest in whether these cases will be consolidated. (Attachment Nos. 1 and 2, Attachment 6).

Plaintiffs in other related cases pending against Nelnet Servicing, LLC may also wish to file competing motions to consolidate and for appointment of lead counsel.

Once all motions to consolidate are filed, Nelnet and Plaintiffs in all related cases may wish to file responses to any or all motions to consolidate. The court has created an email group (nelnetemailgroup@ned.uscourts.gov, “Email Group”)

¹ The motion was filed only in Spearman, but the document states it is filed on behalf of the plaintiffs in 4:22-cv-3191 Spearman et al. v. Nelnet Servicing LLC, 4:22-cv-3204 Bump et al. v. Nelnet Servicing LLC, and 4:22-cv-3259 Scott et al. v. Nelnet Servicing LLC.

which includes email addresses for each of the attorneys who have appeared for Plaintiffs and Defendant(s) in the above-captioned cases.² After this order is filed, the court will subscribe the Email Group for alerts in each case to ensure that all parties receive notice of filings in each related case, not just the case(s) where counsel has appeared.³

Accordingly,

IT IS ORDERED:

- 1) Except as to 4:22-cv-3191 Spearman v. Nelnet Servicing LLC, 4:22-cv-3204, Bump et al. v. Nelnet Servicing LLC, and 4:22-cv-3259 Scott et al. v. Nelnet Servicing LLC, Plaintiffs in all other related cases against Nelnet Servicing, LLC. shall file any motions to consolidate and for appointment of lead counsel in their respective cases on or before January 3, 2023.
- 2) As to all motions to consolidate and for appointment of lead counsel filed, Defendant Nelnet Servicing, LLC and any Plaintiffs' counsel opposing motions filed by other Plaintiffs' counsel shall file their responses no later than January 17, 2023, and
 - a. Any responses by Defendant Nelnet Servicing, LLC shall be filed in 4:22-cv-3191 Spearman v. Nelnet Servicing LLC. Notice of this filing

² Please note, that since all briefing will be shared among all parties in the related case(s), the parties should refrain from including information that would ordinarily be filed under restricted access.

³ The email group was created and tested on December 19, 2022. The attorneys of record from this case have been added to the email group and should receive notice of filings in the other related cases. The list of email addresses included in the group is attached to this order. (See Attachment 3, revised December 22, 2022). Counsel may contact chambers with any questions at zwart@ned.uscourts.gov.

If there are additional individuals, not included in the Email Group, who should receive notice for a particular case, secondary e-mail addresses may be added to an attorney's PACER account using the instructions in Attachment 5.

will be provided through CM/ECF to all participating counsel who are included in the Email Group.

- b. Any responses to the motion(s) to consolidate, other than responses by Defendant Nelnet Servicing, LLC, shall be filed in the parties' respective case(s). Notice of these filings will be provided through CM/ECF to all participating counsel who are included in the Email Group.
 - c. Any responses by Defendant Nelnet Servicing, LLC or by Plaintiffs opposing a competing motion to consolidate and for appointment of counsel, if any, should encompass any/all responses to the pending motion(s) to consolidate, to the extent practicable, rather than filing a separate brief for each individual motion.
 - d. No replies shall be filed.
- 3) Counsel for the parties shall set aside time for a hearing on the motion(s) to consolidate and for appointment of lead counsel, the hearing to be held by videoconference before the undersigned magistrate judge on **January 31, 2023**, at **9:00 a.m.** At the time of the conference, counsel must be connected to the videoconference using the connection information in Attachment 4.
 - 4) The Clerk shall file Attachment 4 as a restricted access document. Access will be limited to case participants and the court.
 - 5) As to all related cases, the deadline for Defendant(s)' answer or response to Plaintiffs' Complaints is continued pending further order of the court.
 - 6) All counsel of record who intend to litigate this case shall promptly register for admittance in this district, and register for access to the CM/ECF system if they have not done so already. (See Filing Nos. 37, 38, 39, 40, 41, 42, 43, and 44). All other counsel shall promptly file motions to withdraw.
 - 7) The Clerk shall send a copy of this order and the attachments to the following email addresses for counsel of record.

J. Gerard Stranch , IV
Karen H Riebel
Kate M Baxter-Kauf

gerards@bsifirm.com
khriebel@locklaw.com
kmbaxter-kauf@locklaw.com

Maureen Kane Berg
Peter Jannace
Michael J King
Thomas Howard Jarvis
Shayne R Clinton

mkberg@locklaw.com
peterj@bsifirm.com
mjk@painebickers.com
thj@painetarwater.com
SClinton@bassberry.com

Dated this 22nd day of December, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge